IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 32404 of 2006(G)

PETITIONER:

THE ANICKADU GRAMA PANCHAYATH,
REPRESENTED BY SECRETARY, ANICKADU GRAMA
PANCHAYATH OFFICE, NOOROMMAVU P.O.,
PUNNAVELI, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.RAJEEV V.KURUP

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO LOCAL SELF GOVERNMENT
DEPARTMENT, TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF PANCHAYATH,
PATHANAMTHITTA.

3. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, TRIVANDRUM.

4. M.P.BIJU, BIJU BHAVAN,
VAZHAPALLY, CHANGANACHERRY.

R4 BY ADV. SRI.TPM.IBRAHIM KHAN
SRI.V.S.AFSAL KHAN
R1 & R2 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, ALONG WITH WPC NO. 32782 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 32404 and 32782 OF 2006

Dated this the 8th day of October, 2007

JUDGMENT

Even though there is some technical merit in the submission of the learned counsel for the Panchayat that the Government Order which has been approved by the Tribunal of Local Self Government Institutions violates Rules 4 of the Kerala Panchayat Raj(Granting of Remission to Contractors and Lessees) Rules, 1998, I am not inclined to invoke the constitutional jurisdiction of this Court for interfering with the Government Order or Tribunal's order since it appears to me that the orders have been passed on considerations of justice. The challenge against those two orders fail and the Writ Petition filed by the Panchayat, i.e., WP(C) No.32404 of 2006, will stand dismissed. The Writ Petition filed by Sri.M.D. Baiju, i.e., WP(C) No.32782 of 2006 will stand allowed and there will be a direction to the 1st respondent to implement Ext.P1 order and pay a sum of Rs.3,00,452/- without interest within a period of one month from today, failing which the amount will carry interest at the rate of 9% per annum from this date. Amounts, if any, paid pursuant to the interim order of this Court will be deducted.

PIUS C. KURIAKOSE, JUDGE

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